

Order

Michigan Supreme Court
Lansing, Michigan

March 22, 2006

Clifford W. Taylor,
Chief Justice

129758

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

SOLOMON KATZ,
Plaintiff/Counterdefendant-
Appellant,

v

SC: 129758
COA: 253204
Wayne CC: 99-927176-CH

RONALD J. SPAULDING and
ANTOINETTE E. SPAULDING,
Defendants/Counterplaintiffs-
Appellees.

On order of the Court, the application for leave to appeal the August 2, 2005 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and that portion of the Wayne Circuit Court's September 8, 2003 order that requires plaintiff to reimburse defendants' attorney fees of \$53,000. There is no basis in the record for a determination that plaintiff's primary purpose in initiating his prescriptive easement lawsuit was to harass, embarrass, or injure defendants, as MCL 600.2591 requires. There is also no basis in the record for a determination that plaintiff or his attorneys filed any document or documents for the improper purpose of needlessly increasing defendants' litigation costs, as MCR 2.114 requires. We REMAND this case to the Wayne Circuit Court for entry of an order denying defendants' motion for attorney fees.



s0315

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 22, 2006

Corbin R. Davis

Clerk